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Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

Report of the Secretary-General

Summary

The present report, which has been prepared pursuant to General Assembly resolution 58/140 of 22 December 2003, highlights the main developments in the United Nations Crime Prevention and Criminal Justice Programme during the period under review, including the entry into force of the United Nations Convention against Transnational Organized Crime and two of its protocols; the expeditious negotiation and adoption of the United Nations Convention against Corruption and the holding of the High-level Political Signing Conference; the organization of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice; and the convening of the first session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. It also reviews the expansion of the technical cooperation capacity of the Programme in providing assistance to States to enhance their capacity not only to respond more effectively to transnational crime, trafficking in human beings, corruption and terrorism, but also to reinforce their institutional machinery for the maintenance of the rule of law. Finally, it outlines major initiatives related to implementation of standards and norms, research and dissemination of information, coordination of activities and mobilization of resources.

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I. Introduction

1. The problems of new and vicious forms of terrorism associated with the spread of organized crime and corruption not only cause grave suffering to large sectors of the world population but are also increasingly regarded as global threats to peace and security. In addition, the poorer the country, the greater the risk that those problems will render development unsustainable. The present report, submitted pursuant to General Assembly resolution 58/140 of 22 December 2003, outlines the work of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in assisting Member States in their efforts to counter those threats through a balanced approach. It also highlights the main developments during the period under review, updating information contained in the report of the Executive Director of 11 February 2004 on the work of the United Nations Office on Drugs and Crime, entitled "Development, security and justice for all" (E/CN.7/2004/9-E/CN.15/2004/2). Related documents include the reports of the Secretary-General on: (a) international cooperation in the fight against transnational organized crime (A/59/204); (b) the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption (A/59/77); (c) preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to their countries of origin (A/59/203); (d) preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/59/123-E/2004/90); (e) strengthening international cooperation and technical assistance and combating terrorism (A/59/187); and (f) the African Institute for the Prevention of Crime and the Treatment of Offenders (A/59/175).

II. The role of the Commission on Crime Prevention and Criminal Justice

2. At its thirteenth session, held in Vienna from 11 to 20 May 2004, the Commission on Crime Prevention and Criminal Justice provided further policy guidance and direction to the Office.[1] In addition to reviewing the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, the Commission held a thematic discussion on the rule of law and development, in which participants stressed the interdependence of rule of law and development and the contribution of operational activities in crime prevention and criminal justice. At the conclusion of its thematic discussion, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a draft resolution on "Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties" and also recommended that the Council adopt a draft resolution on "The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction".[2] A senior-level discussion was also held on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism. The Commission discussed issues relating to international cooperation in the prevention and control of transnational organized crime, including trafficking in

human beings, corruption and kidnapping, as well as to the use and application of United Nations standards and norms in crime prevention and criminal justice. It recommended 7 draft resolutions for adoption by the General Assembly and 12 draft resolutions for adoption by the Economic and Social Council.

III. Entry into force of the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air: convening of the Conference of the Parties

3. As anticipated in the report of the Secretary-General of 11 August 2003 (A/58/222), the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) entered into force on 29 September 2003. With the impetus created by the treaty event organized in New York in September 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention (Assembly resolution 55/25, annex II), entered into force on 25 December 2003. Finally, on 28 January 2004, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention (Assembly resolution 55/25, annex III), also entered into force. As at July 2004 there were 82 States parties to the Convention, 64 States parties to the Trafficking in Persons Protocol, 57 States parties to the Migrants Protocol and 22 States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Convention (Assembly resolution 55/255, annex).

4. Despite the progress made, the Firearms Protocol is still waiting for the 40 ratifications required for it to enter into force. By their early ratification or accession to the Protocol, Governments would demonstrate not only their commitment to address the problem but also their determination to take collective action.

5. The attention of the General Assembly is called in that connection to the draft resolutions on "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", "Preventing, combating and punishing trafficking in human organs", "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", recommended for its adoption by the Commission through the Economic and Social Council.[3]

6. Pursuant to article 32 of the Convention, a Conference of the Parties to the Convention was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention and its first session was held in Vienna from 28 June to 8 July 2004. Details are contained in a separate report (A/59/204).

IV. High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption

7. Pursuant to General Assembly resolution 57/169 of 18 December 2002, the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption was held in Merida, Mexico, from 9 to 11 December 2003. Ninety-five States signed the Convention during the Conference. One State also deposited its instrument of ratification. Details are contained in a separate report (A/59/77). As at 26 July 2004, 111 States had signed the Convention and 4 States had ratified it, namely, El Salvador, Kenya, Mexico and Sri Lanka. In accordance with its article 67, paragraph 1, the Convention will be open for signature until 9 December 2005 at United Nations Headquarters in New York. Pursuant to article 68, the Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

8. The United Nations Office on Drugs and Crime has launched a number of initiatives to promote the entry into force of the Convention as soon as possible, thus sustaining the political momentum that allowed the Convention to be negotiated and adopted in less than two years. It has drawn inspiration from the successful experience gained from the series of activities undertaken to promote the entry into force of the Organized Crime Convention and its Protocols, while tailoring the programme to the specific requirements of the new Convention. The Office availed itself of the opportunity created by the holding in March and April 2004 of four regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to conduct two-day seminars on both the Organized Crime Convention and its Protocols and the Convention against Corruption (see A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1).

9. The attention of the Assembly is called in that connection to the draft resolution on "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption" recommended for its adoption by the Commission through the Economic and Social Council.[4]

V. Eleventh United Nations Congress on Crime Prevention and Criminal Justice

10. Pursuant to General Assembly resolution 58/138 of 22 December 2003, efforts have been made to continue the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice. Details are contained in a separate report (A/59/123-E/2004/90). At its thirteenth session, the Commission on Crime Prevention and Criminal Justice recommended a draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice" for adoption by the Assembly.[5]

VI. Technical cooperation and operational activities

11. During the biennium 2002-2003, the United Nations Crime Prevention and Criminal Justice Programme supported technical cooperation activities for the benefit of some 150 States collectively, through seminars, special substantive briefings and training activities, with the provision of direct assistance to some 60 States, covering a wide range of crime prevention and criminal justice issues and resulting in the training of some 2,600 officials, including some 800 women. Technical cooperation activities are implemented within the framework of the four global programmes (against terrorism, organized crime, trafficking in human beings and corruption), as well as in the areas of reconstruction of criminal justice systems, justice reform and crime prevention. They are conducted in a fully integrated manner with the activities of the United Nations International Drug Control Programme under the new organizational structure of the United Nations Office on Drugs and Crime (see ST/SGB/2004/6), especially in areas such as money-laundering, legal assistance and enhancement of judicial cooperation.

A. Preventing terrorism

12. The United Nations Office on Drugs and Crime, in pursuance of its growing mandates in the area of preventing terrorism (see General Assembly resolutions 56/123, 56/261, 57/170, 57/173, 57/292, 58/81, 58/136 and 58/140; Economic and Social Council resolution 2002/19; and Security Council resolutions 1535, 1373 (2001), 1456 (2003) and 1535 (2004)), has been active in providing assistance to Member States, at their request, contributing expertise that is uniquely relevant because it has been developed as a result of years of work in the areas of drug control and crime prevention.

1. Cooperation with the Counter-Terrorism Committee and other partners

13. The Office cooperates closely with and complements the work of the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) of 28 September 2001. The bi-annual coordination meeting of the Committee, which brings together international, regional and subregional organizations, was hosted jointly by the Organization for Security and Cooperation in Europe and the United Nations Office on Drugs and Crime in Vienna on 11 and 12 March 2004. The meeting resulted in the Vienna Declaration (S/2004/276, annex), in which the representatives of the 40 participating organizations agreed to seek ways to coordinate and exchange information and to further improve cooperation and coordination, including, where appropriate, by conducting joint technical assistance programmes or joint visits to States.

14. The importance of exchange of expertise and information with other international and regional organizations, such as the International Monetary Fund, the Council of Europe, the Intergovernmental Authority on Development, the Organization of American States and the Organization for Security and Cooperation in Europe, and with national institutions is emphasized. The Office plans to expand its partnership with relevant organizations in order to enhance their complementary approach and to facilitate an efficient joint response to the needs and requests of Member States.

2. Assistance to Member States

15. Since the launching in October 2002 of the Global Programme against Terrorism, the Terrorism Prevention Branch of the Office has assisted over 80 requesting States, either through country-specific direct assistance or the organization of subregional workshops to facilitate the ratification and implementation of the 12 universal conventions and protocols relating to terrorism. The Global Programme also provides a framework for substantive expertise in international cooperation, taking into account the relevant provisions of those instruments. More details are provided in a separate report (A/59/187).

B. Combating organized crime

16. During 2003, the United Nations Office on Drugs and Crime helped Member States to establish state-of-the-art law enforcement mechanisms, promoting joint methods of international cooperation. Training of law enforcement officials, investigators, prosecutors and judges has been a high priority. The Office has provided specialized training in modern investigative techniques, such as covert intelligence and gathering of off-site evidence, and in the use of advanced intelligence software. It has also collected and promoted best policing practices, facilitating cross-border law enforcement cooperation. In that context, the Global Programme against Organized Crime has contributed to the establishment of a global network of specialists as a step towards implementation of the relevant treaties.

Provision of technical assistance to criminal justice practitioners

17. As a result of the entry into force of the Organized Crime Convention, assistance activities have shifted increasingly to focus on the effective implementation of the Convention, including through the training of relevant officials at the country level. Training seminars have covered best practices in the fight against organized crime and corruption, including in the areas of investigation, international cooperation, collaboration with and protection of witnesses, prevention of organized crime and the development of appropriate legal frameworks. Between 2002 and 2003 training was provided to over 1,000 investigators, prosecutors, judges, intelligence analysts, customs personnel and other officials and during 2003 seminars were conducted in Belarus, Bolivia, Chile, the Czech Republic, Ecuador, Indonesia, Jordan, Mauritius (with participants from the 14 countries of the Southern African region), Serbia and Montenegro, Ukraine and Venezuela.

18. It has been recognized that such training activities have only short-term scope and impact and more sustained interventions have therefore been requested by several Member States. Assistance activity is therefore currently being refocused to follow a longer-term approach to capacity-building, through, inter alia, the appointment of short- and long-term mentors in selected countries. In May 2003 the first mentorship was initiated with the placement of an adviser in Lima, with the aim of enhancing capacity both to effectively investigate, prosecute and adjudicate organized crime and corruption-related cases and to identify and recover illicit assets. Training for law enforcement authorities in the area of witness protection is also being conducted. A mentor has also been appointed to assist the Government of

Guatemala within the framework of the Commission for the investigation of Illegal Groups and Clandestine Security Forces (CICIACS). A programme of technical assistance and training for prosecutors and investigators in the area of organized and serious crime has thus been initiated and assistance with legislative reform is also being provided.

19. It is also intended to appoint a mentor to Ecuador in the near future and at least two additional mentors in 2005, one in West Africa and one in South-East Asia. Several assessment missions have been conducted in Iraq, Kenya and the southern Caucasus to ascertain the nature and extent of organized and serious crime and to determine appropriate technical assistance. A project to curb economic and financial crime in the former Yugoslav Republic of Macedonia is ongoing and a project to assist the Government of South Africa in establishing an effective response to organized crime has been completed.

20. The restructuring of the United Nations Office on Drugs and Crime, as well as the implementation of such projects, has emphasized the importance of building greater capacity at the field office level in the provision of technical assistance to combat and prevent organized crime. The Office has thus been actively engaged in reviewing technical assistance needs in the countries covered by its field offices, ensuring that issues related to combating and preventing organized crime are incorporated into relevant projects.

C. Combating trafficking in human beings, especially women and children

21. Within the framework of the Global Programme against Trafficking in Human Beings, the United Nations Office on Drugs and Crime continued to provide technical assistance to support Member States in their efforts to combat trafficking in human beings, by, inter alia, assisting States in the ratification and full implementation of the Organized Crime Convention, the Trafficking in Persons Protocol and the Migrants Protocol. The Office provides assistance in the investigation of national and international trafficking rings, sharing best practices in identifying the victims, assisting them in facing the immigration and the financial difficulties that they inevitably face once they have been liberated and providing victim protection assistance.

1. Technical assistance

22. Technical assistance projects are being carried out in Benin, Brazil, Colombia, the Czech Republic, Nigeria, the Philippines, Poland, the Republic of Moldova, Slovakia, Togo and Viet Nam, as well as for the Economic Community of West African States and South-East Asia. The projects focus on issues such as assessing trafficking flows, development and implementation of integral national strategies against trafficking in persons, legal assistance in implementing the Trafficking in Persons Protocol, providing training and capacity-building for law enforcement practitioners and the judiciary, awareness-raising, victim support and increasing cooperation between national and regional partners.

23. The United Nations Office on Drugs and Crime is planning further activities in Albania and Lebanon and for countries of the Southern African Development

Community. In Albania, a pilot project to prevent young urban women from becoming victims of trafficking is being implemented and will be used to identify lessons learned and best practices and to set up similar projects throughout the region. Lebanon is receiving legal assistance and capacity-building for law enforcement practitioners and the judiciary. Legislative assistance, the development and adoption of a declaration and plan of action against trafficking in persons in the region and capacity-building is being provided to the States members of the Southern African Development Community.

2. Human trafficking and HIV/AIDS

24. In order to launch activities related to HIV/AIDS and human trafficking, within the framework of the Global Programme against Trafficking in Human Beings and in cooperation with the HIV/AIDS Unit of the United Nations Office on Drugs and Crime, a workshop was organized on cooperation with non-governmental organizations in combating trafficking in human beings. The participating non-governmental organizations from 16 Central and Eastern European countries stressed the importance of issues such as patient confidentiality versus control, mandatory versus voluntary HIV testing for suspected victims of human trafficking, adequate provisions for HIV/AIDS victims, especially child victims, repatriation of trafficked victims with HIV/AIDS and awareness campaigns on HIV/AIDS as a basis for addressing trafficking in developed countries.

D. Promoting anti-corruption policies and measures

25. Corruption distorts markets, erodes the quality of life and hampers development, providing business for a few unethical individuals. Corruption also nurtures crime, terrorism and other threats to human security. Corruption is above all a key cause of economic underperformance and a major obstacle to poverty eradication. While all countries suffer from corruption, the poorer the country the more severe its impact. Within the framework of the Global Programme against Corruption, activities were carried out in the following areas in 2003: (a) providing technical assistance to Member States in strengthening their legal and institutional anti-corruption framework; (b) supporting and servicing international groups of chief justices on strengthening judicial integrity; (c) developing and disseminating anti-corruption policies and tools; and (d) enhancing inter-agency anti-corruption coordination.

1. Technical assistance

26. In the period under review, in the framework of the Global Programme against Corruption, projects were concluded in Hungary and Nigeria, technical assistance continued to be provided to Colombia, Lebanon and South Africa and new projects were launched in Indonesia and the Islamic Republic of Iran. Additional projects are being developed for Afghanistan, Iraq, Kenya, Mozambique, Nigeria, Palestine and South Africa.

27. In line with the Convention against Corruption, the new projects aim to prevent corruption by providing the institutional and regulatory framework necessary to reduce the likelihood of corrupt practices in the first instance. Ensuring

that such a preventive framework is in place in societies severely affected by corruption constitutes the foundation for other technical assistance activities. The Global Programme will enable assistance to be provided to States that focuses in particular on preventive measures in four main areas: development of national policies, strategies and action plans; strengthening of judicial integrity; promoting integrity and anti-corruption in the private and public sectors; and facilitating the recovery of illicit assets.

2. Judicial integrity

28. The objectives of the judicial integrity project are to formulate the concept of judicial integrity and devise a methodology to introduce that concept without compromising the principle of judicial independence; to facilitate a "safe" and productive learning environment for reform-minded chief justices around the world; to raise awareness regarding judicial integrity; and to develop, guide and monitor technical assistance projects aimed at strengthening judicial integrity and capacity. The outputs of that process have included a model action plan for judicial reform; a methodology for the assessment of justice sector integrity and drafting of the Bangalore principles of judicial conduct, which were submitted to the Commission on Human Rights at its fifty-ninth session, in 2003.

3. Inter-agency coordination

29. Since its creation in 1999, the United Nations Office on Drugs and Crime, within the framework of the Global Programme against Corruption, has collaborated closely with other international, regional and bilateral agencies and non-governmental organizations. In 2002, an inter-agency anti-corruption coordination mechanism was launched for the purpose of ensuring improved impact through systematic and continuing coordination and cooperation throughout the United Nations system and with other organizations active in the fight against corruption. In 2003, the United Nations Office on Drugs and Crime organized and conducted two inter-agency anti-corruption coordination meetings, which were attended by more than 15 international entities active in the area, including the Office of Internal Oversight Services and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme, the Word Bank, the Council of Europe, the European Union, the International Criminal Police Organization (Interpol), the Organisation for Economic Cooperation and Development and various regional development banks.

E. Criminal justice reform and maintenance of the rule of law

30. Where law enforcement, the administration of justice and financial systems are weak, organized crime continues to spread. The work of the United Nations Office on Drugs and Crime has contributed directly to the fulfilment of prerequisites for prosperity and social justice called for in the United Nations Millennium Declaration (General Assembly resolution 55/2), in particular, strengthening the rule of law and promoting democracy and good governance. As the repository of the United Nations standards and norms in crime prevention and criminal justice, the Office has provided advice to several Governments to enhance their capacity to administer criminal law and to reduce crime by promoting the humane treatment of

prisoners, juvenile justice reform, the improvement of prison conditions, victim support and urban security. In its technical cooperation activities in this area, the Office has also provided advice on the drafting of legislation, the establishment of specialized departments and the collection of data relevant to the administration of justice.

Technical assistance

31. The Office continued to explore new ways to maximize the effectiveness of technical assistance, in particular in the reconstruction of justice institutions in peacekeeping and post-conflict situations. In 2003, it supported the development of a programme for criminal justice reconstruction in Afghanistan, including criminal law reform, capacity-building for key criminal justice sectors, such as the Ministry of Justice and the judiciary, prison reform and juvenile justice. The fact-finding mission to Iraq, just days prior to the tragic bombing of the offices of the United Nations Assistance Mission for Iraq in Baghdad, recommended measures to prevent crime and trafficking and promote the establishment of the rule of law, all of which are essential requirements for the restoration of peace and security.

(a) Prevention of urban crime

32. Projects to prevent urban crime are being carried out in Brazil and Senegal: they assist the local authorities to establish neighbourhood police forces and judicial centres in deprived districts and provide special training for personnel working in those public services, by promoting partnerships, systematized collection of data and use of victimization survey methodologies, launching of awareness-raising campaigns and training of staff involved in community prevention programmes. Another project implemented by the Office aims to build up a systematic process of information exchange on crime prevention between the countries of the Caribbean and those of Southern Africa, as part of South-South cooperation.

(b) Juvenile justice and penal reform

33. Projects in the area of juvenile justice are being carried out in Egypt, Jordan and Lebanon. The United Nations Office on Drugs and Crime is planning to expand, upon donor interest, its juvenile justice programme in the region of the Middle East and North Africa. The projects focus on issues such as the situation of girls in closed institutions, setting up a youth care service and reinsertion programmes outside the prison context, establishing a protection section in the youth department of the Ministry of Justice, developing a judicial protection procedure for minors who have been victims of crime, formulating national strategies directed towards the prevention of delinquency and recidivism, the protection of young people in difficult circumstances and the improvement of detention conditions for juveniles. In March 2004, the Office participated in the fourth meeting of the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice, organized and hosted by the United Nations Children's Fund in Morocco. Participants endeavoured to reassess past efforts and developed a number of common initiatives to improve cooperation among the organizations that take part in the Panel. The Office is currently involved in planning penal reform initiatives in the Islamic Republic of Iran and the Lao People's Democratic Republic.

(c) Victim support

34. A project to establish shelters for victims of domestic violence in South Africa has been expanded to include another province during 2003. The centres provide a range of services for the victims and survivors of violence, especially women and children, and rehabilitation services for male perpetrators in order to break the cycle of violence. Based on that project, similar projects to counteract and prevent violence against women are planned for neighbouring countries.

35. A global programme for building up non-governmental support structures for victims of violent crime, including trafficking in persons, has also been initiated. The programme will be aimed at identifying good practices in global victim assistance by funding innovative victim support initiatives, primarily in developing countries and societies in transition. Grants will be made for a number of projects, which will be subject to a special monitoring and evaluation mechanism.

(d) Post-conflict reconstruction

36. The Office participates in the rule of law focal points of the Department of Peacekeeping Operations of the Secretariat and assists in assessing post-conflict situations and in identifying personnel for peacekeeping missions. Closer cooperation with the Department is envisaged in Côte d'Ivoire, Haiti and the Sudan.

37. A comprehensive programme for criminal justice reform and reconstruction has been formulated for Afghanistan and is currently being implemented. Within the overall programme special attention is paid to the role of girls and women within and outside the criminal justice system, so as to prevent gender-related violence and discrimination and to ensure the participation and representation of women in the implementation of all phases of the programme. The programme is composed of three main components that have been developed in close consultation with those concerned, covering the following areas:

(a) *Criminal law reform and criminal justice capacity-building*. This component is aimed at reviewing legislation, refurbishing the offices of the Ministry of Justice and the judiciary, training staff and establishing multi-purpose centres of justice in selected provincial capitals;

(b) *Juvenile justice*. The aim here is to strengthen the juvenile justice administration of the Ministry of Justice, including the establishment of new premises for the youth court in Kabul as well as a special residential institution for offenders aged 15-18;

(c) *Reform of the penitentiary system*. Activities here include the rehabilitation of the prison and detention centre in Kabul and the establishment of a detention centre for women, where special attention will be given to the needs of women with small children; the revision of legislation and the training of prison staff, as well as educational and vocational programmes for detained women to facilitate their social reintegration. The United Nations Office on Drugs and Crime is exploring the possibility to expand the project to the main provinces of the country.

F. Enhancing international and regional judicial cooperation

38. The Office has continued to assist States in implementing the mutual legal assistance and extradition provisions of the international drug, crime and terrorism conventions using an integrated approach. In cooperation with the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime, the Office organized an expert group meeting on the preparation of model legislation on extradition in conjunction with a training workshop on extradition in terrorism cases in Siracusa, Italy, from 2 to 6 December 2003. It also organized an informal expert working group on extradition casework best practice in Vienna in June 2004. The manuals and model laws on extradition and mutual legal assistance have been fully revised and updated. Most advisory service and technical assistance activities include a module on international judicial cooperation.

VII. Other major activities

A. Implementation of United Nations standards and norms in crime prevention and criminal justice

39. The increased importance of standards and norms in crime prevention and criminal justice to all the mandates of the Office, in particular with regard to technical cooperation, was shown by a number of draft resolutions of the Commission on Crime Prevention and Criminal Justice. The Office continued its efforts to promote the use of the United Nations standards and norms in crime prevention and criminal justice in the context of justice reform. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2005, will be an occasion to celebrate 50 years of standard-setting in crime prevention and criminal justice. The Eleventh Congress will have as one of the substantive items on its agenda "Making standards work".

40. In November 2003, the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights provided support to the Government of Austria in convening a symposium on the role of judges in the promotion and protection of human rights: strengthening inter-agency cooperation, to mark the tenth anniversary of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993.[6] The symposium adopted the Vienna Declaration on the Role of Judges in the Promotion and Protection of Human Rights and Fundamental Freedoms, which was presented to the General Assembly on International Human Rights Day (A/58/618-S/2003/1145, annex).

41. In accordance with Economic and Social Council resolution 2003/30 of 22 July 2003, adopted by the Council on the recommendation of the Commission on Crime Prevention and Criminal Justice at its twelfth session, in March 2004 the Office convened an intergovernmental expert group meeting, which prepared draft information-gathering instruments in relation to standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice. The meeting also proposed new ways and means of maximizing the

effectiveness of technical assistance to Member States in crime prevention and criminal justice, including in the context of peacekeeping and post-conflict situations to strengthen capacity-building and the promotion of the rule of law.

42. At its thirteenth session, the Commission recommended to the Economic and Social Council that it welcome those efforts and request the Office to convene a meeting of intergovernmental experts to design information-gathering instruments on the next categories of United Nations standards and norms related to legal, institutional and practical arrangements for international cooperation, as well as to crime prevention and victim issues.[7] Furthermore, the Council would request the Office to continue to assist Member States in the use and application of United Nations standards and norms through the development and implementation of technical assistance projects aimed at criminal justice reform, as well as to convene an intergovernmental expert group to develop guidelines on justice for child victims and witnesses of crime.[8] The Council would also request the Office, working in coordination with the United Nations Joint Programme on HIV/AIDS, the World Health Organization and other relevant United Nations entities, to collect information and analyse the situation of HIV/AIDS in pre-trial and correctional facilities, with a view to providing Governments with programmatic and policy guidance.[9]

B. Research and dissemination of information

43. Within the framework of the restructured United Nations Office on Drugs and Crime, special efforts have been made to improve the visibility of the United Nations Crime Prevention and Criminal Justice Programme, including the ongoing maintenance and upgrading of the web site (http://www.unodc.org) and the production of a number of publications and of promotional material on technical assistance projects and best practices.

44. Such publications include the most recent issue of *Forum on Crime and Society*, which was devoted to crime trends. Issues of *Forum* and can be accessed on the Internet (www.unodc.org/unodc/en/crime_cicp_publications_forum.html); updated statistical data on crime and criminal justice from the period 1998-2000 that had been collected from over 90 Member States through the Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (http://www.unodc.org/unodc/en/crime_cicp_survey_seventh.html), which are accessed by a large number of users and a considerable quantity of information is downloaded; detailed assessment reports on the nature and extent of organized crime in the regions of Central Asia and West Africa, which are nearing completion for publication and will include recommendations for possible implementation by the Governments concerned and provide the foundation for future technical assistance activities; reports on strategic trends in organized crime resulting from a project launched jointly by the United Nations Office on Drugs and Crime and Interpol; a draft manual on best practices in preventing and combating organized crime, which is intended to serve as a useful reader supplementing the training seminars that have been conducted; and, in accordance with a draft resolution recommended for adoption to the General Assembly by the Commission on Crime Prevention and Criminal Justice at its thirteenth session,[10] a handbook for use by

the competent authorities of proven and promising practices in the fight against kidnapping.

45. A number of research tools have been developed and utilized in order to establish a database on trends in human trafficking. The database includes data collected from multiple sources on global trends in trafficking, including cross-country routes used. Training manuals to combat trafficking for criminal justice practitioners were finalized for Benin, Nigeria and Togo, as well as for Viet Nam. Similar manuals are in preparation for Colombia and the Economic Community of West African States, as well as a tool kit that will provide examples of good practices. Furthermore, the Office has identified non-governmental cooperation partners worldwide in 45 countries for public service announcements on human trafficking, which will be aired on national and regional television channels.

46. The Office has produced and disseminated the following publications on anti-corruption policies and measures: the *United Nations Manual on Anti-Corruption Policy*; the *United Nations Handbook on Practical Anti-Corruption Measures for Investigators and Prosecutors*; the *Anti-Corruption Toolkit*; and the *Compendium of International Legal Instruments on Corruption*. The Office has also published the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,[11] which is available in the six official languages of the United Nations on the web site of the Office (http://www.unodc.org/unodc/terrorism_documents.html) and contains checklists on obligations under the conventions.

47. A revised version of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* is being finalized and the Office has participated in several events relating to its practical application, for example by organizing training courses for law enforcement officials, in cooperation with the International Committee of the Red Cross, or supporting the work of Defence for Children International in promoting the implementation of the United Nations standards and norms in juvenile justice. Under the sponsorship of the Human Security Network, the European Training and Research Centre for Human Rights and Democracy has produced a manual on human rights education, which includes illustrated stories related to the Basic Principles on the Independence of the Judiciary,[12] the Basic Principles on the Role of Lawyers[13] and the Guidelines on the Role of Prosecutors.[14] The Office is also providing support to the European Training and Research Centre in organizing a summer academy on human rights and human security, with a special focus on post-conflict situations. In cooperation with the Government of Portugal, the *Compendium* has been translated into Portuguese and published and, in November 2003, the Office organized a study tour to several criminal justice institutions in Portugal for criminal justice officials of Portuguese-speaking countries and territories, using the standards and norms, the 12 universal instruments against terrorism, the Organized Crime Convention and its Protocols and the Convention against Corruption as training material.

C. Coordination of activities

48. The United Nations Office on Drugs and Crime continued to coordinate the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network. Pursuant to the practice established since the

tenth session of the Commission, institutes of the network organized a workshop, on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice, during the thirteenth session of the Commission on Crime Prevention and Criminal Justice. The workshop was coordinated by the International Centre for Criminal Law Reform and Criminal Justice Policy and the United Nations Interregional Crime and Justice Research Institute. In addition, the eighteenth annual coordination meeting of the Programme network was held in Courmayeur, Italy, on the occasion of the International Conference on Crime and Technology: New Frontiers for Regulation, Law Enforcement and Research, in November 2003, jointly organized with the International Scientific and Professional Advisory Council. Close bilateral contacts were maintained with the members of the Programme network, most notably with the United Nations Interregional Crime and Justice Research Institute, which is involved in the implementation of several projects of global programmes. Representatives of the Office attended the board meetings of the United Nations Interregional Crime and Justice Research Institute, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the African Institute for the Prevention of Crime and the Treatment of Offenders. The institutes are also actively involved in the preparation of the workshops for the Eleventh Crime Congress (see E/CN.15/2004/4).

49. The Office participates in the work of the Executive Committee on Economic and Social Affairs, the Executive Committee on Peace and Security and the United Nations Development Group, continuing to seek effective coordination of its activities with other concerned players. The Office is also a member of the Millennium Project Task Force on Poverty and Economic Development, which addresses cross-cutting issues such as human rights, good governance, drugs and crime. Transnational crime was identified for in-depth review in 2004 as part of the road map towards the implementation of the United Nations Millennium Declaration. A paper prepared for the meeting of the United Nations System Chief Executives Board for Coordination, entitled "Organized crime and corruption are threats to security and development: the role of the United Nations system", presented the results of system-wide consultations through the High-Level Committee on Programmes. At that meeting, a number of specific recommendations were made for follow-up action by the relevant entities of the United Nations system (see E/2004/67).

50. The Office continues to actively coordinate activities relating to human rights in the administration of justice, including juvenile justice, with the Office of the United Nations High Commissioner for Human Rights, by exchange of information and organization of joint activities.

VIII. Mobilization of resources

51. The donor base of the United Nations Crime Prevention and Criminal Justice Programme has been further broadened through active participation at the major donor meetings by both the drug and the crime components of the United Nations Office on Drugs and Crime. Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund from January 2003 to June 2004 totalled $13,626,894, a 43 per cent increase over the same period in the previous year,

namely, $9,546,300 (A/58/222, para. 56; see annex). Of those contributions, $13,018,434—or more than 95 per cent—were earmarked for specific projects or activities. While the increase in the volume of contributions to fund the expanded mandates of the Programme and to carry out a range of technical cooperation projects constitutes a positive trend, much more remains to be done to achieve a corresponding growth in the proportion of general-purpose funds, which are essential for greater programme flexibility to respond to growing requests for technical assistance from countries in need.

52. The United Nations Crime Prevention and Criminal Justice Fund was originally established in 1967, pursuant to Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, and was initially named the United Nations Trust Fund for Social Defence. It is administered under regulations 4.13, 4.14 and 6.2 of the Financial Regulations of the United Nations and is subject to audit by the Board of Auditors. The Fund has been included in the annual United Nations pledging conference for development activities, in line with General Assembly decision 34/440 of 17 December 1979. In accordance with paragraph 44 of the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (Assembly resolution 46/152, annex), the Fund was renamed the United Nations Crime Prevention and Criminal Justice Fund and became an integral part of the Programme.

53. Recognizing that the Fund is an invaluable source for increasing the capacity of the United Nations to respond more effectively to the needs of Member States for technical assistance, the General Assembly has over the years repeatedly appealed for increased levels of contributions, including most recently in its resolution 58/140, in which it invited all States to support the operational activities of the Programme, through voluntary contributions to the Fund. Moreover, in its resolution 55/25 of 15 November 2000, the Assembly decided that, until the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided otherwise, the account referred to in article 30 of the Convention would be operated within the United Nations Crime Prevention and Criminal Justice Fund. In its resolution 58/4 of 31 October 2003, the Assembly decided that, until the Conference of the States Parties to the United Nations Convention against Corruption decided otherwise, the account referred to in article 62 of the Convention would also be operated within the United Nations Crime Prevention and Criminal Justice Fund.

IX. Conclusions and recommendations

54. In the last decade, the nature, extent and impact of transnational crime have changed, propelled by the opening of markets and the current process of globalization, facilitated by new communication technologies and pressured by important law enforcement successes. As a result, criminal groups today resemble much more complex networks of business—illegal conglomerates able to blend with legitimate enterprises. Gone are the hierarchical structures (the families, the cartels and the like) specialized in violence, threats and intimidation or confined to the margins of society. Crime has spread to many countries, making its detection more difficult and making international cooperation more essential than ever before. Empirical evidence shows that

organized crime has broadened the scope of its operations, in terms of both the geographical area and the sectors involved. As a result, from transnational and specialized, crime is increasingly becoming transcontinental and diversified, with criminal organizations engaged in smuggling whatever is available for profit, from drugs, cultural property, nuclear materials and firearms to human beings. In addition, while Internet links are fostering economic and financial transactions online, they are also being exploited for sophisticated scams between people who are not aware of each other's identity, location or motives. All this stresses the urgent need for more focused global action against computer crime.

55. Issues of crime and insecurity are of significant concern to the citizens of the world. Those problems must and can be properly tackled. The necessary legal tools for international cooperation in the fight against terrorism, organized crime and corruption have been forged by the international community. The challenge now is to provide adequate support to rely on systems of effective and fair criminal justice across the globe that can further reinforce international cooperation so as to promote safety and security while fostering sustainable development and durable peace.

56. The entry into force of the United Nations Convention against Transnational Organized Crime on 29 September 2003, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, on 25 December 2003 and of the Protocol against the Smuggling of Migrants by Land, Sea and Air on 28 January 2004 were significant indications of a renewed spirit of international cooperation during the period under review. The adoption of the United Nations Convention against Corruption is another such milestone, as is the convening of the first session of the Conference of Parties to the Organized Crime Convention. Providing assistance to the international community in the implementation of those universal instruments represents a quantum leap for the Programme in terms of required qualified expertise, analytical skills and operational delivery: it encompasses the complex tasks of preparing, organizing and servicing the Conferences of the Parties to the two Conventions to cover the promotion of their ratification process and, above all, the practical application of their provisions by supporting national capacity-building, collecting and analysing relevant data and information, facilitating related international judicial cooperation and law enforcement collaboration, preparing legislative guides and model legislation, as well as developing manuals, tool kits and educational curricula for specialized training of criminal justice officials.

57. The technical cooperation capacity of the Programme has been reinforced and further extended to all the field offices of the United Nations Office on Drugs and Crime, in particular in the areas of criminal justice reform and reconstruction. Technical assistance has also expanded considerably in the area of prevention of terrorism. In order to build upon and enhance the momentum of those positive developments, predictable and increased resources, including general-purpose voluntary contributions, will be needed to implement the additional mandates that necessitate a basic operational framework that would enable the Programme to respond expeditiously and efficiently to new requirements. This is even more crucial when considering that the

implementation rate of the Programme has consistently been well above 100 per cent: 138 per cent for the biennium 2000-2001 and 142 per cent for the biennium 2002-2003 (see A/57/62 and A/59/69). While such high implementation rates may indicate management flexibility, they also demonstrate that compliance with the additional and more demanding mandates has been made possible by excessively and protractively stretching the limited resources available. It is doubtful whether that practice can continue for much longer without incurring the risk of affecting the ability to complete the mandated tasks and without sacrificing the quality of the final outputs to be achieved.

58. Accordingly, the General Assembly may wish to consider ways of engaging in concerted and sustained efforts to address the requirements of the Programme, looking in particular at the disparity between the human and financial resources available and the expanding mandates to be implemented, especially those pertaining to the Convention against Corruption and the Organized Crime Convention and the Protocols thereto.

59. The Assembly may also wish:

(a) To continue to urge Member States to redouble their efforts to ratify or accede to the universal legal instruments against international terrorism, the Organized Crime Convention and its Protocols, in particular the Firearms Protocol, and the Convention against Corruption so as to ensure their full implementation, including by drawing on, where appropriate, the services available for that purpose in the United Nations Office on Drugs and Crime;

(b) To reaffirm the high priority of the United Nations Crime Prevention and Criminal Justice Programme with respect to the enhancement of technical cooperation and the provision of technical advisory services to Member States, upon request, to assist them in meeting the challenges posed by transnational organized crime, trafficking in persons, corruption, international terrorism and criminal justice reform in post-conflict reconstruction, as well as of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice as a forum for discussing emerging issues;

(c) To invite Member States, intergovernmental and non-governmental organizations, international financial institutions and the private sector to make or increase significantly their contributions to the United Nations Crime Prevention and Criminal Justice Fund with a view to enabling the Programme to respond to the increasing demands for technical assistance and to further expand its impact and outreach, including at the field level, as well as to encourage more active participation and involvement of the entire United Nations system in its activities.

Notes

[1] *Official Records of the Economic and Social Council, 2004, Supplement No. 10* (E/2004/30).

[2] Ibid., chap. I, sect. A, draft resolution II, and sect. B, draft resolution II.

[3] Ibid., chap. I, sect. A, draft resolutions IV, VI and VII.

[4] Ibid., draft resolution V.

[5] Ibid., draft resolution I.

[6] A/CONF.157/24 (Part I), chap. III.

[7] Ibid., 2004, *Supplement No. 10* (E/2004/30), chap. I, sect. B, draft resolution V.

[8] Ibid., draft resolution IV.

[9] Ibid., draft resolution XII.

[10] Ibid., sect. A, draft resolution IV.

[11] United Nations publication, Sales No. E.04.V.7.

[12] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[13] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

[14] Ibid., sect. C.26, annex.

Annex

Contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund, January 2003-June 2004

(United States dollars)

Country/entity	*Total amount pledged*
Austria	880 000
Belgium	260 664
Canada	584 357
Chile	1 000
Colombia	80 000
Croatia	2 264
Czech Republic	36 765
Denmark	372 800
France	306 471
Germany	493 461
Greece	30 000
Hungary	131 899
India	6 000
Italy	5 846 515
Japan	60 000
Liechtenstein	25 000
Malta	(2 500)
Mexico	69 021
Monaco	16 432
Morocco	2 000
Mozambique	33 000
Netherlands	1 583 558
Norway	196 335
Qatar	5 000
Republic of Korea	28 000
Spain	156 576
Sweden	1 109 082
Switzerland	271 726
Tunisia	293
Turkey	50 000
United Kingdom of Great Britain and Northern Ireland	3 152
United States of America	979 271
Venezuela	5 000
SAHRIT Zimbabwe	3 752
Total	**13 626 894**